

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

United States of America,	)	
	)	
Plaintiff,	)	
	)	CR 03-01780-001-TUC-DCB(JCC)
vs.	)	
	)	MAGISTRATE JUDGE'S
	)	FINDINGS AND RECOMMENDATION
GUSTAVO HERNANDEZ-GARCIA	)	UPON ADMISSION(S)
	)	
Defendant.	)	
_____	)	

Upon Defendant's request to enter admission(s) of guilt to the allegation(s) that he/she violated the conditions of ☐ probation or ☒ supervised release this matter was referred to the Magistrate Judge by the District Court, with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States.

Thereafter, the matter came on for a hearing on Defendant's admission(s) to the Violation Petition, before the Magistrate Judge, in open court and on the record.

In consideration of that hearing and the admission made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney,

(A) I FIND as follows:

- (1) that Defendant is competent to admit the violation(s);
- (2) that Defendant understands his/her right to an evidentiary hearing and has knowingly and voluntarily waived his/her right to that hearing;
- (3) that Defendant understands the sentencing options the Court may impose as a result of his/her admission(s);
- (4) that Defendant understands the nature of the allegation(s) against him/her;
- (5) that Defendant has admitted the following allegation(s)

\_\_\_\_\_ "A" \_\_\_\_\_;

Counsel: Arthur J. Hutton; AUSA: Monte Clausen; -DCB(JCC)

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(6) that there is a factual basis for the Defendant's admission(s);

(7) that the admission(s) by the Defendant has/have been knowingly and voluntarily made and is/are not the result of force or threats or of promises apart from the plea agreement between the parties;

(8) ☒ that the government will recommend a sentencing range of 12-15 months incarceration ☐ with ☒ without agreement as to whether the sentence will run consecutive to or concurrent with any other sentence;

☒ that supervised release shall not follow;

☐ that there is no sentencing agreement;

☐ that it is agreed that remaining violations in the petition will be dismissed at sentencing;

and further,

☒ Defendant waives his/her right to appeal the judgment and sentence of the supervised release;

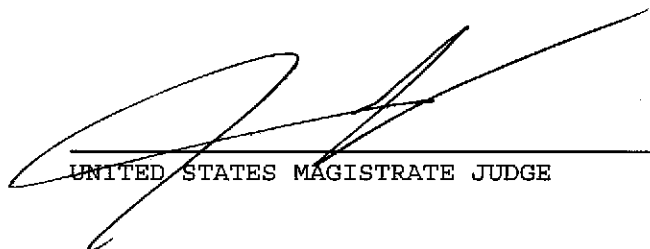
☒ Written plea agreement submitted;

☐ Oral agreement of parties;

☐ No written plea agreement submitted;

(B) I RECOMMEND that the District Court accept the Defendant's admission(s).

DATED: 3/21/2007.

  
UNITED STATES MAGISTRATE JUDGE